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To:	Examiner Glenn Dawson	Fax:	703-872-9306
From:	Edward S. Podszus, Esq.	Date:	27 January 2005
Re:	U.S. Ser. 10/054,603	Pages:	4 (incl. this cover sheet)
Dkt:	B06090-E		

☒ Urgent ☒ X For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Re: Record Response: Terminal Disclaimer responsive to Office Action Mailed
December 3, 2004
Due March 3, 2005
U.S. Ser. 10/054,603

Dear Examiner Dawson,

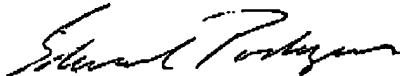
I am filing today by facsimile to the fax number listed on the most recent Office Action this:

- Terminal Disclaimer to obviate the sole rejection for obviousness-type double patenting, responsive to the Office Action of December 3, 2004.

The enclosed print-out shows the Patent 6,176,862 whose claims were copied has just expired Jan. 24, 2005 for failure to pay a maintenance fee.

Please telephone to confirm receipt of the complete Response. Thank you.

Respectfully,



Edward Podszus
Reg. Nr. 35,983

Docket No. B-06090-E

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kreutz, et al. (now Cohen, et al.)) Examiner: Dawson, Glenn
Serial Number: 10/054,603) Group Art Unit: 3761
"Appliance for Plucking Hairs out of Human Skin") Filed: January 22, 2002

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CUSTOMER No. 27199

Transmittal of Terminal Disclaimer Responsive to Office Action mailed Dec. 3, 2004

Herewith is a Terminal Disclaimer responsive to the Office Action of December 3, 2004. The Terminal Disclaimer identifies the assignee "Braun Aktiengesellschaft" consistent with the denomination of patentee on its US Pat. 6,083,233 identified thereon, although the name of the assignee/patentee has changed to "Braun GmbH" pursuant to a change of corporate form; it is the same entity.

The Office Action of March 4, 2004 granted the Petition to delete an inventor (Kreutz) and noted that a new Filing Receipt would be mailed, but none has yet been received.


Although prosecution had been suspended pending Interference by the Office Action mailed March 4, 2004, long after the July, 2000 issue date of assignee's Pat. 6,083,233, which patent Examiner himself had made of record in an office action November 2002, it was not until more than 2 years later that the present "obviousness-type double patenting" rejection was first made in December, 2004. Applicants respectfully request that the application be allowed soon, since file inspection of SEB's U.S. Pat. 6,176,862 (Delay) whose claims were copied herein reveals it expired for failure to pay the maintenance fee this week, January 24, 2005 (copy attached), hence Interference appears unnecessary.

It is noted that the "obviousness type double patenting" rejection applied U.S. Pat. 4,960,422 (Demeester), which was cited solely for its disclosure of "control means" to actuate tweezer blades, which are a conventional type of "hair-grasping element". Demeester does not disclose structure for pain soothing, was not cited for such element, and is not relevant to Applicants' structure for performing a massaging action.

The \$1.20(d) disclaimer fee of \$ 110 is hereby authorized to be charged, plus any additional fees under §1.16 and §1.17, including time extension, required by this paper, to Dep. Account No. 07-1350. A duplicate copy of this authorization is enclosed.

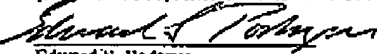
Respectfully submitted,

Patent Department
The Gillette Company
Prudential Tower Building
Boston, MA 02199
(617) 421-7939 (6 a.m.-12 noon, EST)


Edward S. Podszus
Reg. No. 35,983
Attorney for Applicants
Date: January 27, 2005

Certificate of Facsimile Transmission

I hereby certify that this paper and those referenced herein are being facsimile transmitted to the Patent and Trademark Office to (703) 872-9306, Attention Examiner G. Dawson, G.A.U. 3761 on the date shown below.


Edward S. Podszus

Date

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
 REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)
 B06090-E

In re Application of: Kreutz et al. (now "Cohen, et al.", following
 Application No. 10/054,603 correction of inventorship)
 Filed: January 22, 2002
 For: Appliance for Plucking Hairs out of Human Skin

Braun

The owner, ...Aktiengesellschaft of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. ...6,083,233.... The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

 27 January 2005
 Signature Date

Edward S. Podszus, Reg. No. 35,983

Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
 Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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United States Patent and Trademark Office

Patent Bibliographic Data		01/27/2005 10:57 AM	
Patent Number:	6176862	Application Number:	09308206
Issue Date:	01/23/2001	Filing Date:	05/12/1999
Title:	HAIR-REMOVING DEVICE WITH ROTARY ROLLER EQUIPPED WITH PAIN-SOOTHING DE		
Status:	Expired, No 4th year fee paid by: 01/24/2005		Entity: Large
Window Opens:	01/23/2004	Surcharge Date:	07/26/2004
Fee Amt Due:	\$0.00	Surchg Amt Due:	\$0.00
Fee Code:		Total Amt Due:	\$0.00
Surcharge Fee Code:			
Most recent events (up to 7):	2004/08/11 Maintenance Fee Reminder Mailed. — End of Maintenance History —		
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